

Minutes - Board Meeting – 10/14/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, October 14, 2015 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Superintendent of Buildings Daniel B. Whalen

Press Observers: *Mineola American*

Sunshine Observers: 15 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:45 PM

A Public Hearing was held at 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF METRO CAPITAL HOLDINGS, LLC FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 550.12 ENTITLED “B-1 DISTRICTS”, SUBSECTION (B) ENTITLED “SPECIAL USES” FOR THE PURPOSE OF ESTABLISHING A BURGER RESTAURANT WITH THE SALE OF BEVERAGES AND FOOD UPON THE PROPERTY KNOWN AS 526 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 19, LOT 45;60;

No Speakers addressed the Board

Resolution No. 276-15

Resolved to declare the application of Metro Capital Holdings, LLC for a special permit at 526 Jericho Turnpike, Mineola New York as an unlisted action with a negative declaration under the New York State Environment Quality Review Act (SEQRA).

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Paul S. Cusato

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Resolution No. 277-15

Resolved to approve the application of Metro Capital Holdings, LLC for a Special Permit at 526 Jericho Turnpike, New York.

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X
In the Matter of the Application of

METRO CAPITAL HOLDINGS, LLC

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550.12(B) of the Code of the Incorporated Village of Mineola, at premises known as 526 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 19, Lot 45.
-----X

NAME OF APPLICANTS:	Metro Capital Holdings. LLC
SUBJECT PROPERTY:	Section 9, Block 19, Lot 45
STREET LOCATION:	526 Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550.12(B) for the establishment of a burger restaurant with the sale of food and beverages upon the property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	October 14, 2015
APPEARANCES:	Thomas Pantelis, Esq. Jonathan Otto, Shopping Center Owner

DECISION:

Metro Capital Holdings, LLC (hereinafter, “Applicant”) is before this Board pursuant to Chapter 550, Section 550.12(B) of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the establishment of a burger restaurant with the sale of food and beverages upon the property known as 526 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Blocks 19, Lot 45) (hereinafter, the “Property”).

By Notice of Disapproval, dated July 23, 2015, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that the establishment of a burger restaurant with the sale of food and beverages upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant is seeking a special use permit to establish a burger restaurant with the sale of food and beverages upon the property known as 526 Jericho Turnpike, Mineola, New York;
- 2) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village;

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the “B-1” District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

- 1) All deliveries shall be through the front door of the building and shall not occur before 6 a.m.;
- 2) All ventilation/exhaust shall be vented through the building up to the roof and shall be directed away from residential properties. The ventilation/exhaust shall be in compliance with the New York State Fire Prevention and Building Code, the Regulations of the Nassau County Fire Marshal and the Rules of all agencies having jurisdiction;
- 3) Applicant shall utilize a private sanitation service for garbage removal. All garbage removal shall be made through the front door of the building;
- 4) All putrescible waste shall be refrigerated indoors until pick-up;
- 5) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or its successors to enforcement pursuant to the Village’s Municipal Code, including possible revocation of this special use permit;
- 6) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special use permit; and
- 7) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
October 14, 2015

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

Trustee George R. Durham
Trustee Paul A. Pereira
Trustee Paul S. Cusato
Trustee Dennis J. Walsh
Mayor Scott P. Strauss

A Public Hearing was held at 7:05 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF ANTHONY S. DIPROPERZIO FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 550.12 ENTITLED “B-1 DISTRICTS”, SUBSECTION (B) ENTITLED “SPECIAL USES” FOR THE PURPOSE OF ESTABLISHING A CAR RENTAL BUSINESS UPON THE PROPERTY KNOWN AS 461 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 28, LOTS 43-44; AND

3 Speakers addressed the Board

Resolution No. 278-15

Resolved to declare the application of Anthony S. Diproperzio for a special use permit at 461 Jericho Turnpike, Mineola New York as an unlisted action with a negative declaration under the New York State Environment Quality Review Act (SEQRA).

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Mayor Scott P. Strauss requested a motion to reserve decision and close the hearing at 7:55 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Superintendent of Buildings Daniel Whalen announced that the applicant requesting a special use permit at 224 East Second Street requested to suspend his application due to insufficient mailing:

**APPLICATION OF ROCK YOUR BODY FITNESS FOR A
SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE
CODE OF THE INCORPORATED VILLAGE OF MINEOLA,
ENTITLED “ZONING”, SECTION 550.16 ENTITLED “M
DISTRICTS”, SUBSECTION (A) FOR THE PURPOSE OF
ESTABLISHING A PERSONAL FITNESS TRAINING FACILITY
UPON THE PROPERTY KNOWN AS 224 EAST SECOND
STREET, MINEOLA, NEW YORK, KNOWN AND
DESIGNATED ON THE NASSAU COUNTY LAND AND TAX
MAP AS SECTION 9, BLOCK 366, LOT 93.**

Mayor Scott P. Strauss requested a motion to close the hearing at 7:57 PM.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Work Session to order at 8:15 PM.

PRESENT:
Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT:
Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Superintendent of Buildings Daniel B. Whalen

Press Observers: *Mineola American*

Sunshine Observers: 5 Observers

Resolution No. 279-15

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 280-15

Resolved to authorize the Justice Court Clerk to submit a grant application for Justice Court improvements under the 2015-2016 New York State Justice Court Assistance Program (JCAP) Grant.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Vote:
Yes **No** **Abstain**
Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution No. 281-15

Resolved to approve a request of The Irish American Society of Nassau, Suffolk & Queens, Inc. for the use of village roads to conduct a St. Patrick’s Day Parade on Sunday March 6, 2016 at 1:00 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee George R. Durham

Vote:
Yes **No** **Abstain**
Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution No. 282-18

Resolved to approve a request by the Boy Scout Troop 45 for the use of the Community Center auditorium on Thursday, November 19, 2015 to hold a planning session of events in preparation of the Boy Scout Council’s 100th Anniversary from 7:00 PM – 9:30 PM.

Motioned by Trustee George R. Durham
Seconded by Trustee Paul A. Pereira

Vote:
Yes **No** **Abstain**
Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution No. 283-15

Resolved to approve the following payments in the amount of \$26,333.74 from the Development Incentive Bonus Funds in FY 2015-2016:

<u>VENDOR</u>	<u>AMOUNT</u>	<u>PROJECT</u>
Dvirka & Bartilucci Consulting Engineers	\$ 679.75	Village Hall/Community Center Generator
Dvirka & Bartilucci Consulting Engineers	\$ 1,047.00	Wilson Park
Island Fence Company	\$ 9,610.00	2nd Street Parking Lot
M. Norris & Sons	\$ 5,900.00	Fire Department 75’ Aerial

		Bucket Truck
Colortone Audio Visual	\$ 4,290.75	Memorial Park Project
Dvirka & Bartilucci		
Consulting Engineers	\$ 2,342.24	Memorial Park Project
Dvirka & Bartilucci		
Consulting Engineers	<u>\$ 2,464.00</u>	Memorial Park Project
TOTAL:	\$26,333.74	

Motioned by Trustee Paul S. Cusato
 Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 284-15

Resolved to hire Jeanine Lopes for the position of Cashier 1/Cashier in Justice Court with a starting salary in accordance with the Collective Bargaining Agreement.

Motioned by Trustee Paul A. Pereira
 Seconded by Trustee George R. Durham

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Village Attorney John P. Gibbons recommended the following resolution:

Resolution No. 285-15

Resolved, to approve an application made by 84 Main Street Corp. for the removal of two (2) parking meters in conjunction with the construction project at 84 Main Street, Mineola. 84 Main Street Corp. will pay to the Village the sum of \$5.00 per day, 6 days per week for each meter on a monthly basis, in advance.

Motioned by Trustee Paul A. Pereira
 Seconded by Trustee Paul S. Cusato

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Mayor Scott R. Strauss requested a motion to close the Work Session at 8:20 PM

Motioned by Trustee Dennis J. Walsh
 Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee Dennis J. Walsh